

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Michel H. Malek  
Title: SPINE STABILIZATION  
SYSTEMS  
Appl. No.: 10/722,119  
Filing Date: 11/25/2003  
Examiner: David C. Comstock  
Art Unit: 3733  
Confirmation Number: 4839

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated 4/2/2008, and in the Advisory Action dated 6/26/2008, finally rejecting Claims 1, 2, 4-25, and 43.

☒ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$510.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$460.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$970.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$485.00
	TOTAL FEE:	\$485.00

The above-identified fees of \$485.00 are being paid by credit card via EFS-Web.

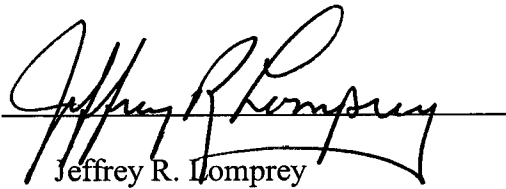
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16, 1.17 and 41.20, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 26, 2008

FOLEY & LARDNER LLP  
 Customer Number: 23524  
 Telephone: (608) 258-4288  
 Facsimile: (608) 258-4258

By   
 Jeffrey R. Compney  
 Attorney for Applicant  
 Registration No. 55,401